

1973

c 83 The Municipal Amendment Act, 1973 (No. 1)

Ontario

© Queen's Printer for Ontario, 1973

Follow this and additional works at: http://digitalcommons.osgoode.yorku.ca/ontario_statutes

Bibliographic Citation

The Municipal Amendment Act, 1973 (No. 1), SO 1973, c 83

Repository Citation

Ontario (1973) "c 83 The Municipal Amendment Act, 1973 (No. 1)," *Ontario: Annual Statutes*: Vol. 1973, Article 85.

Available at: http://digitalcommons.osgoode.yorku.ca/ontario_statutes/vol1973/iss1/85

CHAPTER 83

An Act to amend The Municipal Act

*Assented to June 22nd, 1973
Session Prorogued March 5th, 1974*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Municipal Act*, being chapter 284 of the Revised Statutes of Ontario, 1970, is amended by adding thereto the following sections: ss. 27a, 27b, enacted

27a.—(1) Notwithstanding section 27, the council of a county may provide that the council of the county shall be composed of the reeves of the towns, not being separated towns, and of the villages and townships in the county together with the deputy reeves of such towns, villages and townships where they have 2,500 or more municipal electors. Alternative composition of county council

(2) Where provision for composition of the council is made under subsection 1, subsection 2 of section 27 does not apply and where a town, not being a separated town, or a village or a township in a county, has more than 5,000 and not more than 7,500 municipal electors, the reeve as a member of the county council has an additional vote and, where it has more than 7,500 municipal electors, the reeve and the deputy reeve as members of the county council each has an additional vote. Vote of reeve and deputy reeve in towns, villages and townships

(3) Subsections 2, 3 and 4 of section 34 apply to this section. Application of s. 34 (2-4)

27b.—(1) Notwithstanding section 27, the council of a county may provide that the council of the county shall be composed of only the reeves of the towns, not being separated towns, and of the villages and townships in the county. Alternative composition of county council

(2) Where provision for composition of the council is made under subsection 1, subsection 2 of section 27 does not apply, and where a town, not being a separated town, or a village or a township in a county, has more than 1,000 and not more than 2,000 municipal electors, the reeve as a member of the Vote of reeve in towns, villages and townships

county council has an additional vote, where it has more than 2,000 and not more than 3,000 municipal electors he has two additional votes, and where it has more than 3,000 municipal electors he has three additional votes.

Application
of s. 34 (2-4)

(3) Subsections 2, 3 and 4 of section 34 apply to this section.

s. 36 (1),
par. 1,
amended

2. Paragraph 1 of subsection 1 of section 36 of the said Act, as re-enacted by the Statutes of Ontario, 1972, chapter 169, section 1, is amended by adding at the end thereof "and a commissioner, superintendent or overseer of any work, whose appointment is authorized under section 393".

s. 293 (3), (c),
re-enacted

3. Clause *c* of subsection 3 of section 293 of the said Act is repealed and the following substituted therefor:

(c) under *The Local Improvement Act*, *The Drainage Act* or *The Tile Drainage Act*, 1971; or

R.S.O. 1970,
cc. 265, 136
1971, c. 37

s. 304 (1),
amended

4. (1) Subsection 1 of section 304 of the said Act, as re-enacted by the Statutes of Ontario, 1971, chapter 81, section 1, is amended by striking out "\$25" in the tenth line and inserting in lieu thereof "\$50".

s. 304 (1b),
repealed
s. 304 (2-4),
re-enacted

- (2) Subsection 1*b* as enacted by the Statutes of Ontario, 1971, chapter 81, section 1, subsection 2 as amended by the Statutes of Ontario, 1971, chapter 81, section 1, and subsections 3 and 4 of the said section 304 are repealed and the following substituted therefor:

Annual levy
on
correctional
institutions

(2) Notwithstanding any general or special Act, the council of a local municipality designated by the Lieutenant Governor in Council, in which there is situate a correctional institution designated by the Lieutenant Governor in Council, may pass by-laws to levy an annual amount payable on or after the 1st day of July, upon such institution, not exceeding the sum of \$50 a year for each resident place in such institution as determined by the Minister of Correctional Services.

Annual levy
on public
hospitals,
etc.

(3) Notwithstanding any general or special Act, the council of a local municipality designated by the Lieutenant Governor in Council, in which there is situate a public hospital or provincial mental health facility designated by the Lieutenant Governor in Council may pass by-laws to levy an annual amount payable on or after the 1st day of July upon such institution, not exceeding the sum of \$50 a year for each provincially rated bed in such public hospital or provincial mental health facility as determined by the Minister of Health.

(4) The total amount levied under this section in any year shall not exceed one-quarter of the total amount of taxes levied on all real property and business assessment in that municipality for all purposes other than school purposes in the preceding year.

Limitation
on amount
of levy

(5) A municipality in which a public hospital or correctional institution is situate may enter into an agreement with one or more municipalities for the provision of any municipal service to the hospital or correctional institution.

Agreements
for municipal
services
authorized

(6) The Minister may direct a municipality in which a public hospital or correctional institution is situate to enter into an agreement with another municipality for the provision to the hospital or correctional institution of such municipal service or services as the Minister specifies in his direction.

Minister
may direct
agreement
to be entered
into

(7) Where the Minister has directed that an agreement be entered into under subsection 6 and the municipalities fail to reach agreement within sixty days after the Minister's direction, either of such municipalities or the Minister may apply to the Municipal Board and the Board shall settle the terms and conditions of such agreement.

Application
to OMB

(8) Where a municipality has entered into an agreement under subsection 5 or 6, the Province may terminate any agreement between the Province and such municipality for the provision of any service or services to a hospital or correctional institution.

Termination
of existing
agreements

(9) The assessment of a municipality that levies under this section shall be deemed for apportionment purposes, other than school purposes and other than for the apportionment between "merged areas", to be increased by an amount that would have produced the amount levied under this section by the taxation of real property at the rate applicable to the major portion of residential and farm property assessment in the preceding year, for all purposes other than school purposes.

Municipal
assessment
deemed
increased

(10) For the purposes of subsection 9 "merged area" means, where a municipality referred to in subsection 9 is situate within a regional or district municipality, merged area as defined in the Act establishing the regional or district municipality.

Interpre-
tation

(11) The clerk of every local municipality that levies under this section shall forthwith transmit to each body for which the local municipality levies a rate, except a school

Notification
of amount
of assess-
ment increase

board, a statement of the amount by which the assessment of the municipality is deemed to be increased under subsection 9.

Allocation
of levy

(12) The council of a municipality that levies under this section may, in the year 1973, and thereafter in each year shall, allocate a portion of the amount levied to each of the bodies for which the municipality levies a rate, other than a school board, in the proportion that the taxes levied in the preceding year on residential and farm property for each such body bears to the total taxes levied in the preceding year on residential and farm property for all purposes other than school purposes.

Reduction
for purposes
of levy
under s. 302
and under
R.S.O. 1970,
c. 405, s. 7

(13) Where a municipality allocates an amount under subsection 12 such amount shall be deducted from the requisition of each such body and the net amount shall be the amount included in the levy of the municipality for purposes of section 302 of this Act and section 7 of *The Regional Municipal Grants Act*.

s. 304a (2-4),
re-enacted

5. Subsections 2, 3 and 4 of section 304a of the said Act, as enacted by the Statutes of Ontario, 1972, chapter 124, section 6, are repealed and the following substituted therefor:

Apportion-
ment of gross
receipts

(2) In determining the amount of the gross receipts of a telephone company in each local municipality under subsection 1, a telephone company shall apportion the total gross receipts of the company in all such municipalities to each municipality in the proportion that the number of telephones connected to the company's system in each municipality bears to the total number of telephones connected to the company's system in all such municipalities as of the 31st day of December of the year in respect of which the statement is transmitted.

What
constitutes
gross
receipts

(3) For the purposes of subsection 1, gross receipts of a telephone company shall be the total of regularly recurring revenue arising from telephones and other equipment and shall include revenue from long distance calls.

Rate of tax

(4) The council of every local municipality shall levy on each company from which a statement is received under subsection 1, at the same time as a levy is made under section 302 of this Act or under section 7 of *The Regional Municipal Grants Act*, an annual tax of an amount equal to 5 per cent of the total of the gross receipts of such company as shown on the statement provided under subsection 1.

R.S.O. 1970,
c. 405

Idem

(5) Notwithstanding subsection 4, where there are less than 2,000 telephones connected to a company's system

the annual tax referred to in subsection 4 shall be 3 per cent in 1973, 4 per cent in 1974 and 5 per cent in 1975 and each year thereafter.

(6) Section 303 of this Act applies *mutatis mutandis* to an annual tax levied under this section.

Levy
before
estimates
adopted

(7) Any tax levied under this section is collectable in the same manner as municipal taxes are collectable and is a special lien under section 511 on all of the lands of the company in the municipality.

How tax
collectable

(8) The assessment of a municipality that levies a tax under this section shall be deemed for apportionment purposes, other than separate school purposes, and other than for apportionment between "merged areas", to be increased by an amount that would have produced the amount of the tax levied under this section by the taxation of real property at the rate applicable to the major portion of commercial and industrial property assessment in the preceding year for all purposes.

Municipal
assessment
deemed
increased

(9) For the purposes of subsection 8 "merged area" means, where a municipality referred to in subsection 8 is situate within a regional or district municipality, merged area as defined in the Act establishing the regional or district municipality.

Interpre-
tation

(10) The clerk of every local municipality that levies a tax under this section shall transmit within fourteen days of receipt of the statement referred to in subsection 1 to each body for which the local municipality levies a rate, except a separate school board, a statement of the amount by which the assessment of the municipality is deemed to be increased under subsection 8.

Notification
of amount of
assessment
increase

(11) The council of the municipality may, in the year 1973, and thereafter in each year shall, allocate a portion of the tax levied under subsection 4 to each of the bodies for which the municipality levies a rate, other than a separate school board, in the proportion that the taxes levied in the preceding year on commercial and industrial property for each such body bears to the total taxes levied in the preceding year on commercial and industrial property for all purposes other than separate school purposes.

Allocation
of tax

(12) The amount allocated to each body under subsection 11 shall be deducted from the requisition of each such body making an apportionment to the municipality and the net amount shall be the amount included in the levy of the

Reduction for
purposes of
levy under
s. 302 and
under
R.S.O. 1970,
c. 405, s. 7

R.S.O. 1970,
c. 405

municipality for purposes of section 302 of this Act and section 7 of *The Regional Municipal Grants Act*.

s. 352,
amended

6. Section 352 of the said Act, as amended by the Statutes of Ontario, 1971, chapter 81, section 2, and 1972, chapter 124, section 9, is further amended by adding thereto the following paragraph:

Provision
of municipal
services to
Indian band
reserves

7a. For entering into agreement with an Indian band for the provision of any municipal service within the limits of the reserve occupied by the band upon such terms as may be agreed.

s. 362r,
enacted

7. The said Act is further amended by adding thereto the following section:

Sewer and
water
connections

362a.—(1) Councils of local municipalities may pass by-laws requiring owners of buildings or any class or classes of buildings in the municipality or in any defined area thereof to connect the said buildings or class or classes of buildings to the sewage works or water works of the municipality.

May be
installed by
municipality

(2) If the owner of a building affected by a by-law passed under this section fails to make a connection required by the by-law within nine months after the municipality has sent notice to him by registered mail to his last known address requiring the connection to be made, the municipality may make the connection at the expense of the owner, and for this purpose may enter in and upon the property of the owner.

Recovery of
cost

(3) A notice sent under subsection 2 shall advise the owner that if he fails to make the connection as required, the municipality has the right to make it at his expense and to recover the expense by action or in like manner as municipal taxes.

Extension of
time

(4) Upon the application of the owner, the council may grant an extension of not more than two years from the end of the nine-month period provided for in subsection 2 within which the connection is to be made, provided that not more than two extensions may be granted in respect of any building.

Loans

(5) A by-law passed under this section may provide for the making of loans by the municipality to owners to whom a notice has been sent under subsection 2 to pay for the whole or any part of the cost of making a connection required by the by-law, which loans may be made on such terms and conditions as the council may prescribe.

(6) The amount of any loan made under a by-law passed under this section, together with interest at a rate to be determined by the council, may be added by the clerk of the municipality to the collector's roll and collected in like manner as municipal taxes over a period fixed by the council, not exceeding five years, and such amount and interest shall, until payment thereof, be a lien or charge upon the land in respect of which the loan has been made. Loan a lien on land

(7) A certificate signed by the clerk of the municipality setting out the amount loaned to any owner under a by-law passed under this section, including the rate of interest thereon, together with a description of the land in respect of which the loan has been made sufficient for registration, shall be registered in the proper land registry office against the land, and, upon repayment in full to the municipality of the amount loaned and interest thereon, a certificate signed by the clerk of the municipality showing such repayment shall be similarly registered, and thereupon the lien or charge upon the land in respect of which the loan was made is discharged. Certificate

8. Section 394 of the said Act is repealed and the following substituted therefor: s. 394, re-enacted

394. Notwithstanding the provisions of any general or special Act, the council of any municipality may expend in any year such sum as it may determine for, Expenses for entertaining guests and travelling on civic business

- (a) the reception or entertainment of persons of distinction or the celebration of events or matters of national or international interest or importance; and
- (b) the travelling and other expenses of the members of council and of the officers and servants of the municipality while travelling outside the municipality in their capacity as councillors, officers or servants.

9. Subsection 3 of section 443 of the said Act is repealed and the following substituted therefor: s. 443 (3), re-enacted

(3) A by-law passed under clause *b* of subsection 1 for altering or diverting any highway or part of a highway or under clause *c* or *d* of subsection 1 in respect of an allowance for road reserved in the original survey, Approval of Minister to by-law

- (a) along the bank of any river, stream or other water;
- (b) along or on the shore of any lake or other water;

(c) leading to the bank of any river or stream; or

(d) leading to the shore of any lake or other water,

does not take effect until it has been approved by the Minister, and, where the by-law also requires approval of a judge or confirmation by a county council under subsection 6, it shall not be submitted to the Minister until such approval or confirmation has been obtained, provided that the approval of the Minister is not required for a by-law for leasing a stopped-up highway or part of a highway to an owner of land that abuts on it for a period not in excess of thirty years.

s. 461,
amended

10. Section 461 of the said Act is amended by adding thereto the following subsection:

Moneys to
be paid
into
special
account

(4) All moneys received by the municipality from the selling or leasing of a stopped-up highway or part of a highway, the stopping-up of which is subject to the approval of the Minister under subsection 3 of section 443, less any amount expended by the municipality out of its general funds for the purpose of stopping-up and selling or leasing the highway or part thereof, shall be paid into a special account and the provisions of subsection 11 of section 33 of *The Planning Act* apply to such account and the moneys therein.

R.S.O. 1970,
c. 349

s. 516 (2d),
re-enacted

- 11.—(1) Subsection 2d of section 516 of the said Act, as enacted by the Statutes of Ontario, 1972, chapter 124, section 20, is repealed and the following substituted therefor:

Application
form

(2d) Every person applying under this section for an alteration of his school support as shown on the list shall either personally or by his authorized agent sign an application in the prescribed form in which all of the information required by the form shall be sufficiently filled in, either by the applicant or his authorized agent or by the clerk at the request of the applicant or of his authorized agent and, before correcting the list, the clerk shall satisfy himself that the applicant or his authorized agent, as the case may be, understands the effect of the statements in the application and that he is entitled to have the list corrected pursuant to his request.

s. 516 (2m),
re-enacted

- (2) Subsection 2m of the said section 516, as enacted by the Statutes of Ontario, 1972, chapter 124, section 20, is repealed and the following substituted therefor:

Census
taken early
R.S.O. 1970,
c. 32

(2m) Where the census is taken under section 23a of *The Assessment Act* in any local municipality, for the purposes of this section, the assessment commissioner shall supply to the

clerk of such local municipality a list for school support purposes and such list shall be deemed to be the list required by section 23 of the said Act, and shall be subject to revision at the same time as lists prepared under such section 23, and the provisions of subsections 2a to 2l apply *mutatis mutandis*.

12. Form 20 of the said Act is repealed and the following substituted therefor: Form 20
re enacted

FORM 20
(Section 235 (1))

I,,
do solemnly promise and declare that I will truly, faithfully and impartially, to the best of my knowledge and ability, execute the office of to which I have been elected in this municipality, that I have not received and will not receive any payment or reward, or promise thereof, for the exercise of any partiality or malversation or other undue execution of such office, and that I will disclose any pecuniary interest, direct or indirect as required by and in accordance with *The Municipal Conflict of Interest Act, 1972*, and I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath.

13. This Act comes into force on the day it receives Royal Assent. Commence-
ment

14. This Act may be cited as *The Municipal Amendment Act, 1973*. Short title

